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RUEHBR/AMEMBASSY BRASILIA 6772
RUEHBU/AMEMBASSY BUENOS AIRES 3991
RUEHCV/AMEMBASSY CARACAS 1339
RUEHPE/AMEMBASSY LIMA 1242
RUEHMN/AMEMBASSY MONTEVIDEO 3591
RUEHQT/AMEMBASSY QUITO 3974
RUEHSG/AMEMBASSY SANTIAGO 8493
RHMFISS/HQ USSOUTHCOM MIAMI FL
RUMIAAA/USCINCSO MIAMI FL
RUEHLMC/MILLENNIUM CHALLENGE CORP
RHEBAAA/DEPT OF ENERGY WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
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C O N F I D E N T I A L SECTION 01 OF 02 LA PAZ 000522

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SUBJECT: GROWING TENSION OVER CONSTITUENT ASSEMBLY

Classified By: Charge D'Affairs David M. Robinson for reasons 1.4 (b) a
nd (d).

¶1. (C) Summary: The first days of March are shaping up to be a showdown over the Constituent Assembly (CA), as Congress begins debate on the conflict-ridden draft proposal forwarded by the congressional committee to the floor. If Congress doesn't reach consensus by March 4, the National Electoral Court may have trouble holding the election of CA representatives on July 2 as proposed by the GOB. Various departmental prefects and civic committees continue to elaborate proposals for the CA and raise concerns about the GOB's efforts to rush forward with enabling legislation. How the congressional debate develops this week will tell us much about the cohesiveness of the MAS block of deputies in Congress, the ability of opposition parties to work together, and the willingness of the GOB to summon social pressure to influence the legislative process. End summary.

¶2. (C) The first days of March are shaping up to be a showdown over the Constituent Assembly (CA). The congressional committee charged with reaching consensus on enabling legislation for the CA sent an incomplete bill to the floor of Congress for debate, having failed to hammer out differences on key issues. The committee was supposed to send a proposal to the floor by February 24, but missed the deadline. Within the committee, disagreement persisted regarding four articles, mostly pertaining to the number of constituent assembly representatives and how to select them. Members of the committee also told us that they could not decide whether to conduct a legally binding referendum on autonomy on same date CA representatives are elected.

¶3. (C) If Congress doesn't reach consensus on the CA legislation by March 4, the National Electoral Court (CNE) may have trouble keeping the election of CA representatives on track for July 2, the date proposed by the GOB. The CNE has said publicly that it requires 120 days to schedule the election, which means the court needs to start preparations on March 4. Privately, however, CNE officials have told us that they need a minimum of 90 days, which means the debate could continue through April 3 and still meet the GOB timetable for the CA election.

¶4. (C) Various departmental prefects and civic committees continue to elaborate proposals for the CA and raise concerns about the GOB's efforts to rush forward with enabling legislation. Leaders from Santa Cruz and Tarija have been especially vocal, reminding GOB leaders of the need for a binding referendum on the autonomy issue. The MAS is opposed to a July 2 autonomy referendum which would have a legally binding outcome on the CA, arguing that the CA should have unlimited power to "refound Bolivia." Vice President Alvaro Garcia Linera announced that President Evo Morales could perhaps be more flexible on this issue. At the same time, MAS representatives warn that if the Congress does not take action by March 4, the social sectors could be called out to pressure a reluctant Congress to approve the GOB proposal.

¶5. (C) Opposition political party leaders have worried that the MAS would try to assemble a quorum this week, with many opposition members of Congress in their home regions for Carnival celebrations, and force its proposal through Congress. The Constitution provides that 2/3 of the members present (once quorum is achieved) are required to pass the CA legislation. Representatives from the Unidad Nacional (UN) party told us that while the MAS deputies fall just short of quorum, the MAS might be able to garner sufficient numbers to reach quorum and push through the enabling legislation for the CA.

¶6. (C) Comment: How the Congressional debate develops this week will tell us much about the cohesiveness of the MAS block of deputies in Congress, the ability of opposition parties to work together, and the willingness of the GOB to summon social pressure to influence the legislative process.

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Moving the CA legislation forward too quickly without developing a consensus among the departments could alienate many and result in a political backlash that would hurt the GOB. Many of the issues in question about the CA -- especially the method of selecting CA representatives -- break according to regional and not political party lines. Nevertheless, we have no indication that MAS deputies will be willing to break with the GOB to vote for their region's interests. Opposition politicians continue to seek postponement of the CA, thereby denying the MAS a quick legislative victory and forestalling MAS efforts to further consolidate political power. End comment.
ROBINSON